THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.17221 of 2005

Between:

1 Dr.P.Anil Babu, S/o.Dr.P.Dev Das,
R/o.H.No.5-93-36/6/13B,

Brodipet, Guntur-2.
2 Dr.A.Yadagiri, S/o.Sri Lachaiah,
R/o.Cherlapalli Village, Nalgonda district.

..... PETITIONERS

AND

1 NTR University of Health Sciences-A.P.,

Vijayawada, rep by its Registrar.
2 The Medical Council of India,

Aiwan-E-Galib Marg, Kotla Road, New Delhi,
Rep by its Secretary.

.....RESPONDENTS

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ORDER:

The petitioners are students of Post Graduate Medical Course. They have taken their final examination of the three-year Course, in May, 2005. Their grievance is that the respondents did not follow the Rules, prescribed by the Medical Council of India, particularly, in the context of arranging the internal and external examiners. They state that they have been declared failed, without extending the benefit of the grace marks, and without conducting the examination, in accordance with the provisions.

The writ petition was listed 'for admission', on 04-08-2005. It was adjourned twice thereafter, to enable the learned Standing Counsel to obtain instructions. Such

instructions have since been received.

Heard the learned Counsel for the petitioners, and the learned Standing Counsel for the respondent.

The Medical Council of India framed Regulations, in the year 2000, in relation to Post Graduate Medical Examination. Regulation 14 (1) (b) mandates that, for all Post Graduate Examinations, there shall be at least a minimum of four examiners, out of which, there shall be at least two external examiners. The petitioners yielded under the impression that this provision was not followed, in the matter of evaluation of their answer scripts, and other benefits of the examination.

The learned Standing Counsel has placed before this Court, the list of examiners, and the manner in which the various papers attempted by the petitioners, as well as the other practical examinations and dissertations were evaluated. As against the minimum of four examiners, the university has arranged a team of six examiners, in the instant case. The respondents have strictly followed this rule, and two external and two internal examiners were arranged for evaluating the performance of the petitioners. Therefore, the allegations of the petitioners that the respondents did not follow Regulation 14 (1) (b) cannot be sustained.

So far as the extension of the benefit of grace marks is concerned, the learned Standing Counsel has stated that the first petitioner had secured 145 marks in the written examination, and that he was extended the benefit of 5 grace marks and declared pass. As regards the second petitioner, it is stated that he secured only 141 marks, and since he would not have passed even after extension of benefit of grace marks, no marks were added to him. Here again, the contention of the learned Counsel for the petitioner stands belied.

The learned Counsel for the petitioner submits that the second petitioner be permitted to appear in the written test and the result of his practical examination be kept in tact, for the purpose of next examination. Having regard to the scheme of the Course, it is difficult to accede to his contention. A candidate would be permitted to

take the practical examination, if only he passes in the written test. There may be instances where the candidates, who passed in the written test and failed in the practical examination, are permitted to repeat the practical examination, on the basis of the same written test. However, it is difficult to contemplate in converse cases. This Court does not find any basis to grant any relief to the petitioners.

Writ Petition is, accordingly, dismissed. No costs.

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29th September, 2005

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